

## BOARD OF COUNTY COMMISSIONERS

### AGENDA ITEM SUMMARY

Meeting Date: 15 June 2005 Division: Growth Management  
Bulk Item: Yes X No        Department: Marine Resources  
Staff Contact: George Garrett

#### AGENDA ITEM WORDING:

Approval of an amendment to the Interlocal Agreement between Monroe County and the Key Largo Wastewater Treatment District (KLWTD) in order to resolve language discrepancies.

#### ITEM BACKGROUND:

The Interlocal Agreement adopted by the Board in February of 2003, provides funding to the KLWTD whose source is a grant provided originally to Monroe County from the Florida Department of Community Affairs (FDCA). The language in the contract differs with the language in the Interlocal Agreement making disbursement of these specific funds problematic. The new language provided in this amendment to the Interlocal Agreement mimics the language in the FDCA contract so that it is clear how funds should be disbursed to KLWTD. The funds involved total \$1,225,600 and were originally provided to the County in two separate contracts of \$624,850 and \$600,750. These funds will be utilized in the Key Largo Trailer Village and Key Largo Park projects.

#### PREVIOUS RELEVANT BOCC ACTION:

February 2003 – Interlocal Agreement adopted.

#### CONTRACT/AGREEMENT CHANGES:

This Amendment provides language clarification

#### STAFF RECOMMENDATIONS:

Approval

TOTAL COST: \$1,225,600 BUDGETED: Yes        No       

COST TO COUNTY: None SOURCE OF FUNDS:       

REVENUE PRODUCING: Yes        No X AMOUNT Per Month        Year       

APPROVED BY: County Atty X OMB/Purchasing X Risk Management X

DIVISION DIRECTOR APPROVAL: Timothy McGarry, Director of Growth Management

DOCUMENTATION: Included X Not Required       

DISPOSITION:        AGENDA ITEM NO.:

# MONROE COUNTY BOARD OF COUNTY COMMISSIONERS

CONTRACT SUMMARY			
Contract with: <u>Key Largo</u>	Contract # <u>NA</u>		
	Effective Date: <u>Upon signature</u>		
	Expiration Date: <u>NA</u>		
Contract Purpose/Description: <u>Amendment to the Interlocal Agreement between Monroe County and the Key Largo Wastewater Treatment District</u>			
Contract Manager: <u>George Garrett</u> <u>2507</u> <u>Marine Resources / 11</u> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>(Name)</span> <span>(Ext.)</span> <span>(Department/Stop #)</span> </div>			
for BOCC meeting on <u>6/15/05</u> Agenda Deadline: <u>5/25/05</u>			

CONTRACT COSTS	
Total Dollar Value of Contract: \$ <u>1,225,600</u>	Current Year Portion: \$ <u>Unknown</u>
Budgeted? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Account Codes: <u>125-53009-334500-GW0003-530340</u>
Grant: \$ <u>1,225,600</u>	<u>125-53011-530490-GW0102-530340</u>
County Match: \$ <u>None</u>	<u>- - - - -</u>
	<u>- - - - -</u>
ADDITIONAL COSTS	
Estimated Ongoing Costs: \$ <u>NA</u> /yr (Not included in dollar value above)	For: <u>NA</u> (eg. maintenance, utilities, janitorial, salaries, etc.)

CONTRACT REVIEW				
	Date In	Changes Needed	Reviewer	Date Out
Division Director	<u>5-27-05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>5-27-05</u>
Risk Management	<u>5-25-05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>M. Starks</u>	<u>5-25-05</u>
O.M.B./Purchasing	<u>5-27-05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>5-27-05</u>
County Attorney	<u>5-25-05</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<u>[Signature]</u>	<u>5/26</u>
Comments: _____				
_____				
_____				
_____				

**AMENDMENT TO THE  
INTERLOCAL AGREEMENT  
RELATING TO THE TRANSITION OF WASTEWATER JURISDICTION AND  
SERVICES FROM THE FLORIDA KEYS AQUEDUCT AUTHORITY TO THE  
KEY LARGO WASTEWATER TREATMENT DISTRICT**

**BY AND BETWEEN  
MONROE COUNTY AND THE  
KEY LARGO WASTEWATER TREATMENT DISTRICT**

**ADOPTED: 15 June, 2005**

## AMENDMENT TO THE INTERLOCAL AGREEMENT

**THIS AMENDMENT TO THE INTERLOCAL AGREEMENT** is made and entered into as of this day of 15 June, 2005, by and between Monroe County, Florida (the "County") and the Key Largo Wastewater Treatment District ("KLWTD").

### W I T N E S S E T H:

*WHEREAS, on February 21, 2005 an Interlocal Agreement was approved between three parties, Monroe County, the Florida Keys Aqueduct Authority (FKAA), and the Key Largo Wastewater Treatment District (KLWTD); and,*

*WHEREAS, Section 2.03 A. 3. of the Interlocal Agreement specifies that funds from two existing Florida Department of Community Affairs (FDCA) grants totaling \$1,225,600 provided to the County would be transferred to KLWTD; and,*

*WHEREAS, the language in the grants concerning disbursement and use of these funds differs from the language in the Interlocal Agreement, how funds should be disbursed through KLWTD is confusing; now therefore,*

**IN CONSIDERATION OF THE MUTUAL COVENENANTS HEREIN CONTAINED** and for other good and valuable consideration each to the other, receipt of which is hereby acknowledged by each party, the County and KLWTD hereby agree, stipulate and covenant as follows:

**SECTION 1.** Section 2.03 A. 3. of the Interlocal Agreement is hereby amended and rewritten as follows and shall replace the previous Section in total:

3. **Cesspit Grant Funds.** The County agrees to provide all funds made available for cesspit replacement and/or sewer improvements made available through FDCA grants 00-DR-1W-11-54-01-002 and 01-DR-16-11-54-01-001 in accordance with the terms provided therein:
  - a. The amount of grant funding to be provided will be determine by the number of illegal and inadequate On-site Treatment and Disposal Systems (OSTDS) contained within the Monroe County designated (or KLWTD designated) geographic areas to be serviced by the system or system extension or expansion. That number is to be multiplied by a number no greater than the maximum amount of grant funding allowed per household under the Homeowners Wastewater Assistance Program (HWSAP) of \$8,400 to determine the full funding amount toward the

overall cost of the system for all users. In the case of centralized system hook-up, while funding depends upon the number of unknown systems, that funding amount will be utilized to offset total system costs for all users.

- b. There are 321 Unknown Systems within the Key Largo Trailer Village and Key Largo Park project areas. According to the formula provided in sub section a. above, the amount that could be provided if available would be:

321 Unknown Systems X \$8,400 / Unknown System = \$2,696,400.

Thus, in accordance with the FDCA contract agreement all funds, totaling \$1,225,600, will be made available to KLWTD.

- c. Said funds will be made available to KLWTD upon request, with the stipulation that the actual number of cesspits be identified found within the Key Largo Trailer Village and Key Largo Park areas be made known to the County and to FDCA upon project completion and after connections to the system are made.

**SECTION 2. Amendment.**

This Agreement shall not be modified or altered except by another written agreement executed by the County and Key Largo.

**IN WITNESS WHEREOF**, the County and Key Largo have caused this Interlocal Agreement to be duly executed and entered into on the date first above written.

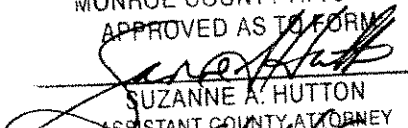
**BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Mayor/Chairperson

Danny L. Kolhage, Clerk

By: \_\_\_\_\_  
Deputy Clerk

MONROE COUNTY ATTORNEY  
APPROVED AS TO FORM  
  
SUZANNE A. HUTTON  
ASSISTANT COUNTY ATTORNEY  
Date: 5/26/05